

## PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 01-1560)

In the Application of:

Cal, et al.

Serial No.: 09/970,140

Filing Date: October 3, 2001

For: Novel Compounds

Examiner: Not yet assigned

Group Art Unit: 1614

FACSIMILE TRANSMITTAL LETTERCommissioner for Patents  
Washington, D.C. 20231ATTN: Licensing and Review  
1-703-306-4196

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

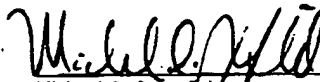
- a) photocopy of Notice Issued Under 42 U.S.C. 2457;
- b) Request for Reconsideration.

2. With respect to fees:

- a) A fee is not required at this time.
- b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. CERTIFICATE OF FACSIMILE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being transmitted, via facsimile (1-703-306-4196), to the Commissioner for Patents, Washington, D.C. 20231 on November 30, 2001.

Respectfully submitted,

  
\_\_\_\_\_  
Michael S. Greenfield  
Registration No. 37.142

Dated: November 30, 2001

McDonnell Boehnen Hulbert & Berghoff  
300 South Wacker Drive, 32nd Floor  
Chicago, IL 60606  
(312)913-0001


**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/970,140	10/03/01	CAI	X 01-1560

 PMS1/1107  
 MICHAEL S. GREENFIELD  
 McDONNELL BOEHNNEN HULBERT & BERGHOFF  
 32ND FLOOR  
 300 S. WACKER DRIVE  
 CHICAGO IL 60606

**DOCKETED**

NOV 13 2001

EXAMINER	
ART UNIT	PAPER NUMBER
0000	3

DATE MAILED:

11/07/01

DUE DATE: 12/22/01

BY: K6. CB

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A  
 FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE  
 ATTENTION OF LICENSING AND REVIEW**

U.S. DEPARTMENT OF COMMERCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 01-1560)

PATENT

In the Application of:

Cai. et al.

Serial No.: 09/970,140

Filing Date: October 3, 2001

For: Novel Compounds

Examiner: Not yet assigned

Group Art Unit: 1614

REQUEST FOR RECONSIDERATIONCommissioner for Patents  
Washington, D.C. 20231

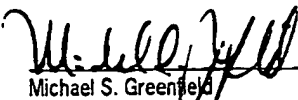
ATTN: Licensing and Review

Dear Sir:

In response to the Notice issued under 42 U.S.C. 2457 (copy enclosed), the applicants respectfully request reconsideration of the determination that the subject matter of the present application may relate to special nuclear matter or atomic energy. On information and belief, the subject matter of the present application relates to pharmaceutical compounds, compositions, and methods of use and is not useful in the production or utilization of special nuclear material or atomic energy.

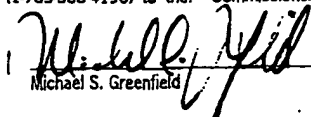
Respectfully submitted,

Date: November 30, 2001

  
Michael S. Greenfield  
Registration No. 67,142Telephone: 312-913-0001  
Facsimile: 312-913-0002McDonnell Boehnen Hulbert & Berghoff  
300 South Wacker Drive, 32<sup>nd</sup> Floor  
Chicago, IL 60606CERTIFICATE OF FACSIMILE (37 C.F.R. 1.8a)

I hereby certify that this correspondence is being transmitted, via facsimile (1-703-306-4196) to the: Commissioner for Patents, Washington D.C. 20231, on November 30, 2001.

Date: November 30, 2001

  
Michael S. Greenfield